

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE TO AMEND ORDINANCE NO. 4388,  
CODIFIED AS CITY CODE, ARTICLE 6, SECTION 2-  
331(a), TO EXTEND THE SUNSET CLAUSE SET FORTH  
THEREIN UNTIL JUNE 30, 2010.**

**WHEREAS**, after full consideration of the factual findings established by comprehensive studies and reviews undertaken by expert consultants engaged by the City Administration, Ordinance No. 4388 was adopted on February 20, 1996 by the Memphis City Council based upon its determination that the City has a compelling interest to fully remedy the ongoing effects of past and present discrimination against African Americans and female business owners in both the public and private sectors of its marketplace; and

**WHEREAS**, The Council reasoned that as a passive participant in a system of racial and gender exclusion practiced by elements of the local construction, professional and supply industries, the City has an affirmative duty to dismantle such a system; and

**WHEREAS**, This affirmative duty includes the continuation of initiatives to encourage the development of local small businesses; and

**WHEREAS**, the City has a compelling interest to assure that public dollars derived from tax collection and revenues are not utilized to further discriminatory practices; and

**WHEREAS**, Ordinance No. 4388, as originally adopted, included a sunset provision which established that the ordinance and program would expire June 30, 2001; and

**WHEREAS**, since such time, Ordinance No. 4388 has been amended on numerous occasions to extend the sunset clause based upon the continuous need to provide time for the undertaking of a new disparity study; and

**WHEREAS**, the Council, having been informed that the disparity study data collection is complete and the processing of such data is still underway, having to take into consideration recent case law, desires to extend the current Ordinance sunset from June 30, 2009 to June 30, 2010; and

**WHEREAS**, the scheduled dates of deliverables and estimated date for completion of the disparity study are such that the process for soliciting public comment and timeframe for Council study should be sufficient before acting on the findings and recommendations related to said ordinance, and after consideration it is deemed in the best interests of the citizens of the City of Memphis that said ordinance be amended.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Ordinance No. 4388, codified as City Code Article 6, Division 5, Section 2-331 is hereby revised to amend subsection (a) by extending the current termination date of June 30, 2009 to June 30, 2010 and to read as follows:

“Section 2-331(a). Miscellaneous.

- (a) Sunset Clause. The Minority and Women Owned Business Enterprise Procurement Program shall expire on June 30, 2010, unless prior to such date the City Council, after conducting public hearings, finds that the purposes of this division have yet to be achieved, in which case it may extend the effective period of this division for an additional five (5) years.”

**SECTION 2. BE IT FURTHER ORDAINED,** that all other terms and conditions of Ordinance No. 4388, codified as City Code Article 6, Division 5, Section 2-331(a) shall remain in full force and effect through such extension date of June 30, 2010.

**SECTION 3. BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 4. BE IT FURTHER ORDAINED,** that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

MYRON LOWERY  
Chairperson of Council

Attest:  
Patrice Thomas, Comptroller

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did approve Wolf River Greenway, CIP Project Number PK07012 as part of the Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis did allocate \$1,675,000 in PK07012 in Fiscal Year 2009 for construction of the Wolf River Greenway; and

**WHEREAS**, plans and specifications are being prepared for bidding and construction purposes; and

**WHEREAS**, the Division of Park Services desires to appropriate funds within the Fiscal Year 2009 budget year prior to public bidding; and

**WHEREAS**, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that there be and is hereby appropriated \$1,675,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Wolf River Greenway
Project Number:	PK07012
Amount:	\$1,675,000.00

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did approve Countrywood Park, CIP Project Number PK07088, as part of the Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis did allocate \$1,560,000 in PK07088 in Fiscal Year 2009 for construction of Countrywood Park; and

**WHEREAS**, the Division of Park Services is preparing plans and specifications for bidding and construction purposes; and

**WHEREAS**, the Division of Park Services desires to appropriate funds within the Fiscal Year 2009 budget year prior to public bidding; and

**WHEREAS**, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that there be and is hereby appropriated \$1,560,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Countrywood Park
Project Number:	PK07088
Amount:	\$1,560,000.00

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did approve Liberty Bowl Sound System, CIP Project Number PK10011, as part of the Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis did allocate \$250,000 in PK10011 in Fiscal Year 2009 for Fixtures Furniture and Equipment for improvements to the sound system at Liberty Bowl Memorial Stadium; and

**WHEREAS**, the Division of Park Services is preparing plans and specifications for bidding and construction purposes; and

**WHEREAS**, the Division of Park Services desires to appropriate funds within the Fiscal Year 2009 budget year prior to public bidding; and

**WHEREAS**, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of  
Memphis that there be and is hereby appropriated \$250,000 funded by G.O. Bonds –  
General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said  
appropriation being credited as follows:

Project Title:	Liberty Bowl Sound System
Project Number:	PK10011
Amount:	\$250,000.00

## **RESOLUTION**

**WHEREAS**, the Council of the City of Memphis did approve Raleigh-Bartlett Meadows Park, CIP Project Number PK04005, as part of the Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, the Council of the City of Memphis did allocate \$150,000 in PK04005 in Fiscal Year 2009 Capital Improvement Program for construction of a picnic pavilion at Raleigh-Bartlett Meadows Park; and

**WHEREAS**, the Division of Park Services is preparing plans and specifications for bidding and construction purposes; and

**WHEREAS**, the Division of Park Services desires to appropriate funds within the Fiscal Year 2009 budget year prior to public bidding; and

**WHEREAS**, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated \$150,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Raleigh-Bartlett Meadows Park
Project Number:	PK04005
Amount:	\$150,000.00

## RESOLUTION

**WHEREAS**, the Council of the City of Memphis did include *Golf Irrigation*, CIP Project Number PK06006, as part of the Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, the *Golf Irrigation* project did include irrigation improvements at Davy Crockett Golf Course, located at 4380 Range Line Road; and

**WHEREAS**, bids were received on April 9, 2009 for the replacement of irrigation pump station equipment at Davy Crockett Golf Course, with the lowest and best complying bidder of four (4) bidders being Omega General Contractors, Inc. in the amount of \$83,000.00; and

**WHEREAS**, it is necessary to appropriate \$89,640.00 funded by G.O. Bonds - General in *Golf Irrigation*, CIP Project Number PK06006, in Contract Construction for the following:

<b>Bid amount:</b>	<b>\$83,000.00</b>
<b>8% contingency amount:</b>	<b>\$6,640.00</b>
	<b>=====</b>
<b>TOTAL APPROPRIATION:</b>	<b>\$89,640.00</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that there be and is hereby appropriated \$89,640.00 funded by G. O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

<b>PROJECT TITLE:</b>	<b>Golf Irrigation</b>
<b>PROJECT NUMBER:</b>	<b>PK06006</b>



## RESOLUTION

**WHEREAS**, the City of Memphis Division of Fire Services has received grant funds in the amount of One Million Thirty Seven Thousand Seven Hundred Ten Dollars (\$1,037,710.00) from the US Department of Homeland Security - FEMA; and

**WHEREAS**, these funds will be used for annual sustainment of Tennessee Task Force One; and

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Urban Search & Rescue grant; and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount of One Million Thirty Seven Thousand Seven Hundred Ten Dollars (\$1,037,710.00) for the Urban Search & Rescue grant; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Urban Search & Rescue Grant funds in the amount of One Million Thirty Seven Thousand Seven Hundred Ten Dollars (\$1,037,710.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search & Rescue Grant in the amount of One Million Thirty Seven Thousand Seven Hundred Ten Dollars (\$1,037,710.00) as follows:

Revenue

FEMA	\$1,037,710.00
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Expense

Administration	\$406,539.00
Training	\$181,022.00
Equipment	\$255,749.00
Storage	<u>\$194,400.00</u>
TOTAL	\$1,037,710.00

## RESOLUTION

**WHEREAS**, the City of Memphis Division of Fire Services has received grant funds in the amount of Two Hundred Fifty-Eight Thousand One Hundred Forty Five Dollars (\$258,145.00) from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program; and

**WHEREAS**, these funds will be used to enhance the capabilities of State and local emergency preparedness and response personnel through the development of a State and urban area homeland security-training program; and

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the Division of Fire Services; and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount of Two Hundred Fifty-Eight Thousand One Hundred Forty-Five Dollars (\$258,145.00) from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the United States Department of Homeland Security Metropolitan Medical Response System Grant Program funds in the amount of Two Hundred Fifty-Eight Thousand One Hundred Forty-Five Dollars (\$258,145.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2009 Operating budget be and is hereby amended by appropriating the Expenditures and Revenues from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program funds in the amount of Two Hundred Fifty-Eight Thousand One Hundred Forty-Five Dollars (\$258,145.00) as follows:

### Revenue

Homeland Security Grant	\$258,145.00
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### Expenses

Equipment	\$ 88,645.00
Medical Supplies	\$102,500.00
Training	\$ 57,000.00
Travel	\$ 10,000.00
TOTAL	\$258,145.00

## **Widow fights for police pension**

### **Baker says husband's death fits line-of-duty rules**

By Hank Dudding

Monday, April 20, 2009

James Baker's last three years as a Memphis police officer were particularly rough.

He was shot twice in 2004 after a holdup in Raleigh, then injured his shoulder when he fell.

He was diagnosed with post-traumatic stress disorder.

And he was injured twice more, the second time damaging the rotator cuff in his shoulder during a struggle with a suspect.

His 12-year career as a police officer had become an ordeal, but it was about to become worse, with life-altering ramifications for his wife, Alesia, and two sons.

Alesia Baker, a nurse, found her 46-year-old husband dead at their Arlington home Oct. 22, 2007, 12 days after surgery on his shoulder.

Numbed from the shock -- "I had just lost my husband, my best friend. My world had just been torn apart" -- she made a decision that's haunted her for a year and a half.

She decided against asking for an autopsy, since there was no evidence of foul play. Her husband's cardiologist later signed a death certificate that indicated Baker died from a heart problem, she said.

She's convinced her decision under stress led to the city of Memphis Pension Board's denial of full benefits last month for her husband's death, the difference between her getting 60 percent of his pay and 30 percent.

"If I had it all to do over again, I would have done it differently," she said last week. "It's just a hard decision to make."

The way she sees it, her husband's death resulted from surgery to fix an on-the-job injury, and he'd also been on a mix of medications for his injuries and his post-traumatic stress disorder.

But the pension board saw things differently.

The board "makes line-of-duty determinations based on medical evidence by at least two qualified physicians," said Toni Holman-Turner, spokeswoman for Mayor Willie Herenton, in an e-mail this week.

"The board's investigation ... revealed that Mr. Baker's death was not work-related and therefore does not qualify her for a line-of-duty pension, but it does qualify her for a regular pension ... that she currently receives," she said.

Alesia Baker, 46, paid \$2,700 out of her own pocket for a lawyer to represent her before the board. Now she's asking the Memphis Police Association if there's anything it can do.

"We don't get too many widows that are denied a pension," said police association president J.D. Sewell. "And, of course, once you've been ruled against, it's an uphill battle."

Sewell said even if a police officer or firefighter's death is ruled to be the result of a heart problem or hypertension, that's enough to consider it an on-the-job death, because of the stressful nature of the work.

The union is asking its attorney to see if there are grounds for an appeal, he said.

The pension board's decision also seems unfair, Sewell said, because of another case in which the board ruled a Memphis police officer's widow could receive full benefits after her husband was shot to death while working an off-duty security job.

"We're saying, how can you give her a duty-related pension when it was clearly not duty-related, and not give it to (Alesia Baker)," Sewell said. "I'm glad they gave it to her, but they really need to give it to James Baker's widow."

Alesia and James Baker -- relatives and close friends called him Chris -- grew up in the Berclair area and started dating Jan. 25, 1979. "I couldn't find anything wrong with him," she said. They were married in 1981.

"He was so brilliant. He knew anything and everything about cars, computers," she said. "He would do anything and everything for anybody."

The couple had two sons, Matthew, 22, and Jesse, 21.

Baker was shot Sept. 24, 2004, after he interrupted a robbery at a Walgreens on Covington Pike. He chased a suspect from the store's parking lot into a wooded area, but was shot in the shoulder and hand when the man pulled a gun while being handcuffed.

The suspect, Narzarius Jackson, escaped with a handcuff dangling from one arm, police said, but he was arrested two days later. Jackson's brother, Ronald Walker Jr., 24, was killed in a shootout with officers as he tried to get away from the Walgreens

during the same robbery, police said.

After the shooting, Alesia Baker said, her husband changed. Taking medication for his stress problems, he'd wake up in the middle of the night and wander the house looking for criminals.

When she left for work the day of his death, she thought he sounded congested, but was relieved he'd had a good night's sleep.

The death certificate already cost her a \$400,000 accidental death policy on her husband, she said, and she's hoping it's not too late to influence pension board members to reverse their decision.

"They had their minds made up when we walked in the door, and that's the way I still feel," she said.

-- *Hank Dudding: 529-2565*



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## RESOLUTION

**WHEREAS**, the Council of the City of Memphis approved School Safety Improvements, project number PW04043 as part of the Public Works Fiscal Year 2009 Capital Improvement Budget; and

**WHEREAS**, bids were taken on March 13, 2009 for the installation of sidewalks in school areas with the lowest complying bid of five bids being \$315,283.60 submitted by Encor, LLC; and

**WHEREAS**, it is necessary to transfer an allocation of \$340,507.00 funded by GO Bonds - General from School Safety Improvements, project number PW04043 to School Safety Improvements Group V, project number PW04074, for the installation of sidewalks in school areas; and

**WHEREAS**, it is necessary to appropriate \$340,507.00 funded by GO Bonds - General in School Safety Improvements Group V, project number PW04074 for the installation sidewalks in school areas as follows:

Contract Amount	\$315,283.00
Project Contingencies	<u>25,224.00</u>
	\$340,507.00

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2009 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$340,507.00 funded by GO Bonds – General from School Safety Improvements, project number PW04043 to School Safety Improvements Group V, project number PW04074 for the installation of sidewalks in school areas.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$340,507.00 funded by GO Bonds - General chargeable to the FY 2009 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>School Safety Improvements Group V</b>
<b>Project Number</b>	<b>PW04074</b>
<b>Amount</b>	<b>\$340,507.00</b>

## **RESOLUTION**

**WHEREAS**, the Mayor submitted to the Council of the City of Memphis on April 21, 2010, a recommended Capital Acquisition Budget and a Capital Improvement Program for fiscal years 2010 through 2014; and

**WHEREAS**, said Capital Acquisition Budget projects needed acquisitions of vehicles and equipment and the Capital Improvement Program does project on a priority basis the anticipated Capital expenditures required to construct needed public improvements for the said period; and

**WHEREAS**, the Budget Committee of the Council will hold meetings and review thoroughly the recommended Capital Acquisition Budget and Capital Improvement Program and will make approved revisions thereto; and

**WHEREAS**, it is the intent of the Council that funds for replacement vehicles and equipment as set forth in the Capital Acquisition Budget should be appropriated herein; and

**WHEREAS**, it is the intent of the Council that funds for construction require appropriation by Council; and

**WHEREAS**, the Comptroller is authorized to bring forward into the fiscal year 2010 all appropriations from the fiscal year 2009 Capital Budget; and

**WHEREAS**, it is the intent of the Council and the Administration to effect a material reduction in future capital expenditures; and

**WHEREAS**, in order to achieve this goal all prior year allocations that have not been reprogrammed in the fiscal year 2010 Capital Improvement Budget shall be unallocated and removed from the Capital Improvement Plan; and

**WHEREAS**, provisions have been made that upon completion or deletion of any authorized project any unencumbered appropriation will be returned to its source of funding by the Comptroller, subject to further appropriation and allocation of said funds by the Council.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Memphis that the fiscal years 2010-2014 Capital Improvement Program be and the same is hereby approved and adopted as the City's Official Statement of Intent to construct needed public improvements subject to annual review and modification, and the Capital Acquisition Budget is hereby adopted as needed replacements of vehicles and equipment. Appendix "A", which is the FY2010-FY2014 CIP Budget Book attached hereto, details the construction projects and capital acquisitions and is made a part of this resolution.

**BE IT FURTHER RESOLVED**, that the fiscal year 2010 allocations in the Capital Improvement Program be and are hereby adopted as the fiscal year 2010 Capital Construction Budget and funds are appropriated for architectural/engineering services and for land options,



land options, if necessary. The Administration shall use the following procedures in moving forward with Capital Construction projects:

The Administration shall present to the appropriate Council Committee the schematic design of the project(s) as defined by the standard Architectural and Engineering Agreement used by the City of Memphis, at an architectural or engineering expense not to exceed 20% of the contracted professional fee amount. Projects designed "in house" or gratuitously must also go through the process. Council approval in the next following regular session of the Council is then required before the continuation of any such project.

After such Council approval, Administration will proceed with final plan preparation, final land acquisition and take bids for the project. Council shall be informed as to the time limitation designated in the professional contract.

The Administration will return to the Council for approval of funds for construction expenditures.

**BE IT FURTHER RESOLVED**, that projects with prior years allocation in any stage of design on the date of the 2010 budget adoption, that have not followed the procedure outlined above, must be returned to the Council for approval prior to going to bid.

**BE IT FURTHER RESOLVED**, that projects with prior years allocation which are not yet in the design process on the date of the adoption of the 2009 Budget must follow the same procedure outlined above for all 2010 projects.

**BE IT FURTHER RESOLVED**, that after construction funds have been appropriated by the Council, the Comptroller is no longer authorized to approve the transfer of unencumbered funds between categories within each project but must return to the Council for approval of such action.

**BE IT FURTHER RESOLVED**, that projects which subsequently require appropriations in excess of the total project amount approved in the fiscal year 2010 Capital Construction Budget and the Capital Acquisition Budget be subject to further Council approval.

**BE IT FURTHER RESOLVED**, that upon the completion/bond release of any authorized project, any unencumbered balance will be returned to its source of funding, subject to further allocation and appropriation of said funds by the Council.

**BE IT FURTHER RESOLVED**, that any land, building or facility under the jurisdiction of the City of Memphis or which has ever been funded or partially funded by the City of Memphis cannot be demolished, sold, given to, or leased to any non-municipal entity without authorization of the City Council. The authorization does not apply to routine short-term rental. Without authorization of the City Council, no assets may be received by the City.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated \$13,433,800 for the acquisition of vehicles and equipment as set forth in the fiscal year 2010 allocation of the Capital Acquisition Budget.

**BE IT FURTHER RESOLVED**, that the Comptroller be and is hereby authorized to bring forward into the fiscal year 2010 Capital Construction Budget all appropriations and only those allocations that have been reprogrammed from the fiscal year 2009 Capital Construction Budget.

**BE IT FURTHER RESOLVED**, that the Comptroller be and is hereby authorized to unallocate and eliminate all prior year allocations that have not been reprogrammed in the fiscal year 2010 Capital Construction Budget.

**BE IT FURTHER RESOLVED**, that the Council expressly declares that each section, sub-section, paragraph and provision of this resolution is severable, and that should any portion of this resolution be declared unconstitutional or invalid by a Court of Law, the same shall not affect the remainder of this resolution, but such unconstitutional or invalid portion shall be elided, and the City Council declares that it would have passed this resolution with such unconstitutional or invalid portions elided.

**BE IT FURTHER RESOLVED**, that this resolution take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by the law.

## **RESOLUTION**

**WHEREAS**, the Legislature of the State of Tennessee has passed the Municipal Electric System Tax Equivalent Act and the Municipal Gas System Tax Equivalent Act, which acts provide a uniform formula throughout the state establishing the maximum in-lieu-of tax payments by a municipal electrical distributor and municipal gas distributor respectively; and

**WHEREAS**, the formula consists of two parts:

- (1) The equalized tax rates multiplied by the net plant value and book value of material and equipment, multiplied by the assessment ratio in effect at the beginning of the fiscal year, plus,
- (2) Four percent (4%) of the average of revenue less power cost for the preceding three (3) years, and

**WHEREAS**, estimates of net plant value of the gas and electric divisions and of the average power costs for the preceding three (3) years have been made and the formula has been applied thereto; and

**WHEREAS**, in keeping with the policy established by the City Council by resolution adopted in May 1978 the in-lieu-of tax payments have been made in two installments to the City Treasurer, an advance payment in April and the balance in November. The advance payment for calendar year 2009 has already been made in compliance with prior resolutions.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis, that the payments by the Memphis Light Gas and Water Division of in-lieu-of tax payments to the City for fiscal year 2010 shall be the amount calculated by the Memphis Light Gas & Water Division under the formula for the Electric Division and for the Gas Division.

**BE IT FURTHER RESOLVED**, that as soon after June 30, 2009, and at the end of each fiscal year thereafter, the Memphis Light Gas and Water Division shall compute the amount due under the formula established in the above two laws. Payment will be made in two installments to the City Treasurer, an advance payment in April and the balance in November.

## **RESOLUTION**

**WHEREAS**, the assessment made on various Utilities and Carriers by the Office of State Assessed Properties for the year 2009 will not be the city until about 2010; and

**WHEREAS**, its is necessary that the City Treasurer prepare tax bills for these Utilities Carriers in order that the 2009 taxes of those taxpayers can be collected during the collection dates for the other Ad Valorem taxes; and

**WHEREAS**, it is for the certified assessment to be used as a tentative assessment for the purposes mentioned above.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis, that the City Treasurer be and is hereby directed to prepare tax bills for the various Utilities and Carriers utilizing the last certified assessment as of June 30, 2008 and that upon receipt of the certified 2009 assessment of the Office of State Assessed Properties or its successor the Treasurer be and is hereby directed and authorized to bill the said taxpayers for an increase in the 2009 assessment over the 2008 assessment., or make appropriate adjustments therein; and that he/she be further directed and authorized to refund any amounts paid by said taxpayer in excess of their certified 2009 Office of State Assessed Properties assessment.

## RESOLUTION

**WHEREAS**, the City of Memphis Division of Public Services and Neighborhoods - Second Chance has received grant funds in the amount of One Hundred Ninety One Thousand Five Hundred Ninety Three Dollars (\$191,593.00) from the U.S. Department of Labor Employment and Training Administration; and

**WHEREAS**, these funds will be used by Second Chance to create a new project titled Connections. Connections will provide employment opportunity services to ex-offenders and develop a formal long-term partnership for the placement of ex-offenders into employment.

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the FY 09 Second Chance Connections Project; and

**WHEREAS**, it is necessary to appropriate the FY 09 grant funds in the amount of One Hundred Ninety One Thousand Five Hundred Ninety Three Dollars (\$191,593.00) for the Second Chance Connections Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Second Chance Connections Project funds in the amount of One Hundred Ninety One Thousand Five Hundred Ninety Three Dollars (\$191,593.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Second Chance Connections Project in the amount of One Hundred Ninety One Thousand Five Hundred Ninety Three Dollars (\$191,593.00) as follows:

### REVENUES

U.S. Department of Labor	\$191,593.00
Total	\$191,593.00

### EXPENDITURES

Full Time Salaries	\$187,186.32
Travel	2,308.44
Miscellaneous Professional Services	\$2,098.24
Total	\$191,593.00